

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JOSE A. GONZALEZ

Plaintiff,

v.

UNITED PARCEL SERVICE, SCOTT
MILLIOT, PHILL CONAN, and DOES 1
through 100, inclusive,

Defendants.

Case No. 12-CV-05445-R-CWx

**ORDER GRANTING
DISMISSAL OF PLAINTIFF'S
SECOND AND FIFTH CLAIM
FOR RELIEF; DISMISSAL OF
DEFENDANTS KONAN AND
MILLIOT; AND REMAND OF
CASE TO STATE COURT**

Judge: Manuel L. Real
Courtroom: 8

Complaint Filed: March 28, 2012

For good cause showing, IT IS ORDERED that this case is immediately remanded back to the Superior Court of the State of California in and for the County of Los Angeles, according to the terms of the attached Stipulation:

1. Pursuant to the Federal Rules of Civil Procedure, Rule 41(a)(1), Plaintiff's second claim for breach of contract and fifth claim for defamation shall be dismissed without prejudice.

2. Defendants Phillip P. Konan, Jr., erroneously sued as Phill Conan, ("Konan"); and Scott Milliot ("Milliot") shall be dismissed from the matter, with

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AND REMAND OF CASE TO STATE COURT**


1 prejudice. Konan and Milliot agree to bear their own costs and attorneys' fees in
2 exchange for dismissal from this matter.

3 3. Following the dismissal of these claims and defendants, this action shall
4 immediately be remanded to the California Superior Court for the County of
5 Los Angeles.

6 4. Nothing in this stipulation shall prevent Defendant United Parcel Service
7 ("UPS"), in its discretion, from removing this matter to Federal Court in the event
8 Plaintiff amends his complaint in the future to assert claims providing federal question
9 jurisdiction. Similarly, nothing in this stipulation shall prevent Plaintiff from
10 contesting a future removal and seeking to have this case remanded back to State
11 Court.

12 IT IS SO ORDERED.

13 Dated: _July 2, 2012_



HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE